



ETHICS REVIEW COMMISSION

MEETING MINUTES Wednesday, October 9, 2019

The Ethics Review Commission (“Commission”) convened in a regular meeting on Wednesday, October 9, 2019, City Hall, Room 1027, 301 W. 2nd Street, Austin, Texas.

Chair Mary Kahle called the meeting to order at 7:00 p.m. [7:02 p.m.?]

Commissioners in attendance: Chair Mary Kahle, Vice-Chair Luis Soberon, and Commissioners Betsy Greenberg, Donna Beth McCormick, Nathan Ryan, and Pedro Villalobos. Secretary Kenneth “Tray” Gober and Commissioners Debra Danburg, Raafia Lari, Robin Lerner, and J. Michael Ohueri were absent.

City Staff in Attendance: Lynn Carter, Commission Executive Liaison & Assistant City Attorney, and Sue Palmer, Commission staff liaison, Law Department.

1. EXECUTIVE SESSION

The Ethics Review Commission may announce it will go into Executive Session pursuant to Chapter 551 of the Texas Government Code to receive advice from legal counsel on any matter specifically listed on this agenda (Private Consultation with Attorney-Section 551.071).

The Commission went into executive session to discuss legal issues related to:

The Chair’s initial determination that the Commission lacks jurisdiction over a complaint filed on August 23, 2019 by Carlos Leon against Rebecca Austin, which alleged violation of City Code, Chapter 2-1 (City Boards), Sections 2-1-2, 2-1-3, 2-1-21, 2-1-24, 2-1-43, and 2-1-48.

The Commission went into executive session at 7:02 p.m., and the open meeting resumed at 7:25 p.m.

2. PRELIMINARY HEARING 7:30 p.m.

Discussion and possible action regarding the following:

A complaint filed by Matthew Mackowiak, against Natasha Harper-Madison, which complaint alleges violation of City Code Chapter 2-2 (Campaign Finance) Section 2-2-7 (Commencement of Campaign Period).

The preliminary hearing was postponed.

3. JURISDICTIONAL DETERMINATION

Discussion and possible action regarding the following:

The Chair's initial determination that the Commission lacks jurisdiction over a complaint filed on August 23, 2019 by Carlos Leon against Rebecca Austin, which alleged violation of City Code, Chapter 2-1 (City Boards), Sections 2-1-2, 2-1-3, 2-1-21, 2-1-24, 2-1-43, and 2-1-48.

Vice-Chair Soberon made a motion to concur with Chair Kahle's determination that the Commission lacks jurisdiction over the complaint, which was seconded by Commissioner Greenberg. The motion passed unanimously. Commissioners voting aye: Chair Mary Kahle, Vice-Chair Luis Soberon and Commissioners Betsy Greenberg, Donna Beth McCormick, Nathan Ryan and Pedro Villalobos. Secretary Kenneth "Tray" Gober, Commissioners Debra Danburg, Raafia Lari, Robin Lerner and J. Michael Ohueri were absent.

3. OLD BUSINESS

Discussion and possible action regarding the following:

- (a) Ethics Review Commission Rules and Bylaws applicable to general citizen communications, as well as citizen communications on agenda items.

Commissioner Greenberg made a motion to move citizen communication to the front of the agenda without an agenda number and that the number of speakers is limited to five allowing three minutes per person, which was seconded by Commissioner Ryan. The motion failed on a vote of 4-2. Those voting in favor were Commissioners Betsy Greenberg, Donna Beth McCormick, Nathan Ryan, Pedro Villalobos. Those voting nay were Chair Mary Kahle and Vice-Chair Soberon. Secretary Kenneth "Tray" Gober, Commissioners Debra Danburg, Raafia Lari, Robin Lerner and J. Michael Ohueri were absent.

4. APPROVAL OF MINUTES–SEPTEMBER 11, 2019 REGULAR COMMISSION MEETING.

Vice-chair Soberon moved that the minutes from September 11, 2019 regular commission meeting, with the correction on page two, be approved, which was seconded by Commissioner McCormick. Those voting aye were: Chair Mary Kahle, Vice-Chair Luis Soberon and Commissioners Betsy Greenberg, Donna Beth McCormick, Nathan Ryan and Pedro Villalobos. Secretary Kenneth "Tray" Gober, Commissioners Debra Danburg, Raafia Lari, Robin Lerner and J. Michael Ohueri were absent.

5. FUTURE AGENDA ITEMS

Citizen communication rules.

6. GENERAL CITIZEN COMMUNICATION

Each person who signed up to speak prior to the meeting being called to order and who designated this item on which to speak, or who did not designate an agenda item on which to speak will be allowed two-minutes to speak.

There were no speakers for citizen communication.

ADJOURNMENT

Commissioner Greenberg made a motion to adjourn, which was seconded by Commissioner Villalobos. Without objection, the meeting adjourned at 7:55 p.m.